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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES T. DAVIS,

Plaintiff,

No. CIV S-04-0878 GEB DAD P

vs.

C/O KISSINGER, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action seeking relief under 42 U.S.C. § 1983. Plaintiff has filed a document styled “Notice of Motion & Motion for Fast-Track-Processing of Settlement Conference. . . .” Therein, plaintiff requests a telephonic settlement conference.

As the court previously advised plaintiff, if the assigned district judge adopts the pending findings and recommendations, the undersigned will require the parties to file pretrial statements. In their pretrial statements, the parties will have an opportunity to express their desire, or lack thereof, for a settlement conference. If appropriate, the court will schedule a settlement conference thereafter. In this case, plaintiff is the only party that has expressed interest in a settlement conference to the court. Unless and until the defendants indicate that they

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1 believe that a settlement conference may potentially be productive in this action, this court will  
2 not schedule a settlement conference simply because plaintiff so desires.<sup>1</sup>

3                   Accordingly, IT IS HEREBY ORDERED that plaintiff's August 17, 2009 motion  
4 (Doc. No. 180) is denied.

5 DATED: August 25, 2009.

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9 DALE A. DROZD  
10 UNITED STATES MAGISTRATE JUDGE

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9 davi0878.scd

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26 <sup>1</sup> Defense counsel is encouraged to review the case and advise the court if an early settlement conference would be appropriate in counsel's view.